

Pat. Appl. 10/631,881
Non-final Office Action mailed February 7, 2005
Response transmitted April 29, 2005

Attorney Docket 9046/20

SUMMARY

1. The Application was filed with Claims 1-44, all of which remain pending except for Claim 26, which is canceled. The Office Action has rejected all claims under 35 U.S.C. §§ 102(b) and 103(a), in view of several references.

2. Claims 1-2, 7-8, 10-11, 13-15, 17-21, 23-25, 27-32, 34-39, 41-42 and 44 are rejected under 35 U.S.C. § 102(b) in view of U.S. Pat. No. 5,457,900 to Avery Roy ("Roy"). Applicant has amended Claims 1, 20 and 24 to overcome the rejections under Roy. Support for the amendment to Claims 1 and 20 is found at least in Claims 3 and 22 as filed and in the specification at p. 3, para. 0010, lines 3-8. Support for the amendment to Claim 24 is found at least in as-filed Claim 26, and in the specification at p. 10, para. 0037, lines 1-3 and para. 0038, lines 3-7. Claims 1, 20 and 24, and claims depending from them, Claims 2, 7-8, 10-11, 13-15, 17-19, 23, 25, and 27-29, are also allowable.

Claim 1 is allowable because Roy does not teach or suggest flashing a plurality of lamps in a first sequence when the switch closes at a low frequency and a second sequence when the switch closes at a higher frequency. Claim 20 is allowable for a similar reason, Roy does not teach or suggest that a first message is displayed when the switch is closed at a low frequency and a second message is displayed when the switch is closed at a higher frequency. Claim 24 is allowable because Roy does not teach or suggest that the first and second pluralities of batteries are connected to different voltages in sequence. As discussed below, the other cited references also do not teach or suggest these limitations.

Applicant traverses the rejection of Claims 30 and 38. Claim 30 recites that "when the inertia switch closes at a low frequency the controller activates the first set of lamps and when the inertia switch closes at a high frequency, the controller activates the second plurality of lamps." Claim 38 recites that "when the inertia switch closes at a low frequency the controller activates the plurality of lamps to display a first pattern, and when the inertia switch closes at a higher frequency the controller activates the plurality of lamps to display a second pattern."

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The rejection of Claims 30 and 38 does not cite Roy for these frequency limitations, and Roy contains no mention of frequency. The rejection also states that Roy cannot produce signals of two different frequencies because Roy does not have the circuits needed. Office Action, p. 3, lines 9-14. Accordingly, Roy does not anticipate Claims 30 or 38, or claims depending from Claim 30 or 38. Therefore, Claims 30-32, 34-39, 41-42, and 44 are also not anticipated and are allowable. The Examiner is respectfully requested to withdraw the rejections of Claims 1-2, 7-8, 10-11, 13-15, 17-21, 23-25, 27-32, 34-39, 41-42 and 44.

3. Claims 3-5, 9, 33, 40 and 43 are rejected under 35 U.S.C. § 103(a) in view of U.S. Pat. No. 5,457,900 to Avery Roy ("Roy") and further in view of U.S. Pat. No. 5,903,103 to Melvin Garner ("Garner"). As noted above, Claim 3 has been cancelled and its limitations included in Claim 1. Applicants traverse the rejections over Roy and Garner because Garner does not teach or suggest more than one frequency.

The rejection cites Garner, Fig. 7E and col. 9, lines 33+, as teaching the limitations of Claims 3-5, 9, 33, 40 and 43. As admitted in the rejection, Fig. 7E merely shows NAND circuits, and relies on the specification, col. 9, lines 33+ for teachings of more than one frequency. This passage, however, merely states that signals to the NAND circuits are used to turn on driver transistors 87A-87C in Fig. 7E. So long as the circuit works, there is inherently a frequency (or period of time) the frequency set by resistor R. Garner, col. 7, lines 43-44, and col. 8, lines 15-18. Garner, however, does not teach or suggest a low frequency and a high frequency, as formerly recited in Claim 3, and presently recited in Claims 1, 5, 20, 30 and 38. Garner also does not teach or suggest flashing a plurality of lamps in a first sequence when the switch closes at a low frequency and a second sequence when the switch closes at a higher frequency.

Therefore, the claims are allowable over the combination of Roy and Garner. Claims 1, 3, 20, 30 and 38 are allowable, as are claims depending from them, including Claims 4-5, 9, 33, 40 and 43. The Examiner is respectfully requested to withdraw the rejections of Claims 3-5, 9, 33, 40, and 43.

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4. Claim 6 is rejected under 35 U.S.C. § 103(a) in view of U.S. Pat. No. 5,457,900 to Avery Roy ("Roy") and further in view of U.S. Pat. No. 5,615,111 to Erik Raskas et al. ("Raskas"). Claim 6 is allowable because it depends from allowable Claim 5.

5. Claims 12, 16 and 26 are rejected under 35 U.S.C. § 103(a) in view of U.S. Pat. No. 5,457,900 to Avery Roy ("Roy") and further in view of U.S. Pat. No. 6,525,487 to Meng Pi Wei ("Wei"), as applied to Claims 1 and 24. The rejection states that Wei teaches two batteries and two pluralities of LEDs connected to two different voltages in sequence. Office Action, p. 4, lines 1-3. Applicants traverse the rejection. As best seen in Fig. 3, Wei shows only that LEDs L1 and L2 are connected to V1 (one battery), while LED L3 is connected to V2 (two batteries). Wei teaches that there is a clock signal and that "the LEDs have a flashing frequency synchronous with the clock signal." Wei, col. 2, lines 51-55 and 63-65. "The anode of the first battery V1 is connected to the anode of the red LED L1 and the anode of the green LED 42" and "the anode of the second battery V2 is connected to the anode of the blue LED 43." Wei, col. 2, lines 10-14. Different LEDs operate at different voltages, and do not change from one voltage to another.

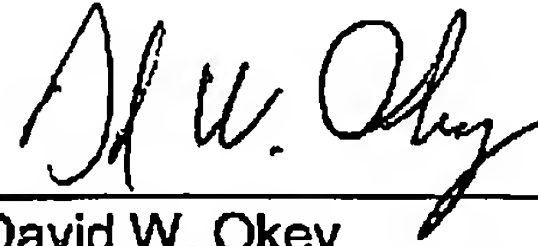
Applicants submit that Wei does not teach or suggest connecting a plurality of LEDs to two difference voltages in sequence. Accordingly, the combination of Roy and Wei does not teach the limitations of Claim 12, 16 or 26, which are therefore allowable. The Examiner is respectfully requested to withdraw the rejections of Claims 12 and 16. Claim 26 has been canceled, and the limitations of Claim 26 have been imported into Claim 24, which is also now allowable.

6. Applicants submit that Claims 1-25 and 27-44 are allowable for the reasons discussed above. Applicants request the Examiner is withdraw the rejections and to issue a notice of allowance for this application. The Examiner is invited to call the undersigned at the below-listed number if a phone call would expedite allowance or be of use to the Examiner.

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Respectfully submitted,

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